

REMARKS

These remarks are directed to the final office action mailed April 8, 2008, setting a three month shortened statutory period for response set to expire on July 8, 2008. The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

Prompt reconsideration is requested in view of the above claim amendments and the following remarks. As indicated, amendments introduce no new matter. Claims 82 and 83 have been added. Support for claims 82 and 83 is found in paragraphs [0016] and [0018] of Applicant's specification. Claims 69-80 and 82-83 are now pending.

Substance of the Interview with the Examiner

Applicant thanks examiner Jonathan ML Foreman for the constructive interview held on May 19, 2008. Claims in the pending application were discussed and possible claim amendments to overcome the cited references were proposed.

Claim Rejections under 35 USC § 102 and § 103

Claims 69-71 and 73 have been rejected under 35 USC § 102 as being anticipated by Meyer (U.S. Patent No. 5,012,820). Claims 74-76 have been rejected under 35 USC § 103 as being obvious over Meyer in view of Grove, et al. (U.S. Patent No. 6,010,468). Claims 77-80 have been rejected under 35 USC § 103 as being obvious over Meyer in view of Wood, et al. (U.S. Patent Pub. No. 2002/0143277).

The Examiner stated in the office action of April 8, 2008, that Meyer discloses a controller that "implements a protocol **independent** of the EMG sensor and the joint position sensor." Claim 69 has been amended to recite "a protocol **responsive** when self-actuation or attempted self-actuation is detected by the at least one EMG sensor but is not detected by the at least one joint position sensor," further clarifying that the implemented protocol is dependent on the EMG sensor and joint position sensor.

Claim 82 also recites “a protocol **responsive** when self-actuation is detected by the at least one joint position sensor and the measured joint motion has not achieved a predetermined value...”

Furthermore, as supported in Fig. 5B of Applicant’s specification, claims 69 and 82 recite a computer processor for implementing the protocol. Meyer does not teach or suggest a computer processor for implementing a protocol based on sensor feedback.

Applicants submit that none of the references teach or suggest all of the elements and limitations of independent claims 69 and 82. Therefore independent claims 69 and 82 and the claims thereby dependent thereon are patentable under 35 USC §102 and 103. The Examiner is respectfully requested to reconsider and now withdraw the Examiner’s rejection.


Conclusion

In view of the above, it is respectfully submitted that this application is now in good order for allowance, and such early action is respectfully solicited. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone Applicants’ undersigned attorney.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 058482-010101 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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